

1871-015 Chancery Causes: Elisha Boucher & os. William Boucher &
Lee Co

Hoskins, Thomas~, Milly~, Cole, Mc Spadden, Ball

CA-Estate Dispute
T-Property
Slavery

To The Honorable The worshipful County
Court of Lee County. Humbly complaining
respectfully sheweth unto your honorable body
Your Orator and Petitioner Elisha Boucher
and Polly Hastings late Polly Boucher That
They are two of the heirs of Robert Boucher
deceased and That there belongs to the heirs
of the said Robert Boucher deceased the following
slaves to wit Thomas Mills & his Child
They state That William Boucher Joseph M^r Spad-
den and Elizabeth his wife Samuel M^r Spadden
and Phibo his wife and the three Children
of Joseph Boucher deceased who was a son of
the said Robert Boucher deceased, to wit Elisha
Boucher Jr Brando M^r Cole and Polly his wife
late Polly Boucher and Elongo D Boucher and
Themselves; ^{and Nancy Boucher the widow of Robert Boucher deceased} are all heirs and the only heirs of the
said Estate of the said Robert Boucher deceased
and That They are all Twenty One Years of age
and entitled to an undivided interest in the said
slaves. They state That Elongo D Boucher Joseph
M^r Spadden and Elizabeth his wife late Elizabeth
Boucher Samuel M^r Spadden and Phibo his wife
late Phibo Boucher William Boucher and Elisha
Boucher Jr: are now residents of this Commonwealth.
= etc. They state from the number of heirs and
diversity of interest and the number of slaves
the heirs of Joseph Boucher being entitled to but
an eighteenth part each of the whole estate
That the same cannot be divided in kind
They pray That the said the Administrator of
the said Robert Boucher deceased may be directed
to sell the said slaves at the Court house of
Lee County Virginia to the highest bidder and
That he be directed to divide the proceeds
thereof among the several heirs agreeable to their

respective rights They pray that process may
issue and that the several defendants be
compelled to answer this bill agreeable to the
rules of Chancery practice They pray for
general and special relief and in duty
bound They will ever pray.

Edw. Liffitt for
Complts

Elisha Boucher &
Polly Hawkins
vs 3 Pillsbury
William Boucher & others

1852 Oct: Bill filed
Now continued
Dec. order publication
as to absent defendants
and continued

1854 Sept. ¹⁵ on decree
Continued

1871 Mar Term. Petition May
Bill filed & the matter
left & Decree & cont'd.

1871 April Term. Sent to Cir
Court in motion of refusing
to bail.

1871 May continued
Cont'd

1872 May & Oct. Cont'd.

1873 May, Dec & Nov Cont'd.

1874 May died

(E. A. Lytle)

Gr. Clerk \$8.40 to 1874
1875 15.00
1876 15.00

To the Honorable Henry S. Morgan, Judge of the County
Court of Lee County.

The petition of Mary A. Ball
executrix of George W. Ball decd, would respectfully state
that about the year 1855, Elisha Boucher & Polly Hoskins,
as part of the heirs of Robert Boucher decd, filed their Bill
in Chancery, in said County Court, against William Boucher
& others, for the purpose of selling some slaves belonging to the
estate of the said Robert Boucher decd, and making distribution
of the proceeds among those in interest; and on the day of
1860, a decree was rendered in said Cause appointing
Robert M. Ely, a Commissioner to sell said slaves, and
on the day of 1860, he sold the same under said decree,
and your Petitioner's testator, the said George W. Ball decd,
as appears by the report of said Commissioner, of said sale,
filed in said Cause, became the purchaser of one of
said slaves, named "Bela," at the price of six hundred
and thirty five dollars. The report of said Commr.
~~of said Commissioner~~, has never been confirmed, nor
any decree rendered in said Cause since the one above
named, and the Cause should properly be upon the Court
docket yet, but through some inadvertence, it has been
left off. Your Petitioner feels that it is her duty as
said Executrix, to resist the confirmation of said sale & report,
and to contest the right of any and every person, to collect
the purchase money of said slave, which is now being
attempted by the personal representative of the said
Commissioner, who since said sale, and report
has departed this life; and therefore she prays
that the said Cause be placed upon the Court docket, and
that she as executrix aforesaid be made a party ~~to~~ ⁱⁿ said
suit, for the purposes aforesaid, and to that end, that the

It is required to amend, their Bill, and make her
a party defendant.

Mary A. Bull. Com.
N. 3 Petition
Oliver Baucher & others

Virginia

At a Court of quarter-sessions continued & held for Lee
County, at the Court-House thereof, on Tuesday, March 20th 1871.

Elisha Boucher & Polly Hoskins - - - - - Plffs

against

William Boucher et al - - - - - Defts

In Chancery.

Upon motion this cause was placed upon the Docket,
and came on again to be heard upon the papers formerly
read in the cause, and the petition of Mary A. Ball, Ex. of
George W. Ball, and was argued by Counsel upon consid-
eration whereof, It is adjudged, ordered, and decreed that
the said Mary A. Ball, Ex. &c. be made a party defendant
in this cause for the purposes set forth in her petition and that
the plffs appear here at the next term of the County Court of
this County, to shew cause, if any they can, why the Sale and
Report of Robert M. Ely - Commissioner in said cause to
sell the slaves in the plffs' Bill mentioned - should not
be set aside, and the report rejected and annulled so
far as said sale & report relates to a slave reported
therein as being purchased by George W. Ball, now deceased,
and his estate and personal representative be absolved from
all liability on account of said reported purchase by him;
and that a copy of this order be served upon the said
Plffs, and the cause is continued till the next term.

Teste - John B. West, D. Clk.

Eliza Boucher et al.

vs. } City of Decree

William Boucher et al.

April 17th 1871.

The within parties are
now Residents of this
Commonwealth.

Thos. J. Brown Ds.
for E. J. Hamblett S. C.

ative be absolved from all liability on account of said reported
purchase by him; and that a copy of this order be served upon the
said Plffs, and the cause is continued till the next term.

Teste - John B. West, D. Clk.
A copy - Teste. John B. West, D. Clk.

Elisha Boucher.

Elisha Baucher & Polly Hoskins Pltffs }
vs
William Baucher. & other Defts }

Upon motion, this cause was placed upon the docket, and came on again to be heard upon the papers formerly read in the cause, and the petition of Mary A. Ball, Exec^x of Geo M. Ball decd, and was argued by Counsel, upon Consideration whereof, it is adjudged, ordered, and decreed, that the said Mary A. Ball, Exec^x &c. be made a party Deft in this suit, for the purposes set forth in her petition, and that the Pltffs appear here at the next term of the County Court of this County, to show cause, if any they can, why the sale & report of Robert M. Ely, Commissioner in said cause, to sell the slaves in the Pltffs Bill mentioned, should not be set aside, & the report rejected and annulled, so far as said sale & report relates, to a slave reported therein as being purchased by the said Geo M. Ball, now deceased, and his estate & personal representative be absolved from all liability on account of said reported purchase him; and that a copy of this order, be served upon the said Pltffs, and the cause is continued to the next term.

Mary A. Ball Baker
adrs } Order.
Elisha Baucher & Son

March 1871.

Enter this Dece
H. J. Morgan
March 21/71

Entered O. B. 194.
J. B. West D. clk

Elisha Boucher & And Polly Lockins Complainants

Against

William Boucher Nancy Boucher
Joseph McSpadden and Elizabeth his wife

Samuel McSpadden and Phoebe his wife

Elisha Boucher & Elong Boucher and

Branch & M. Cole and Polly his wife Defendants

In
Chancery

This day This cause came on to be heard upon the bill of the Compt's being filed and it appearing to the Court by satisfactory affidavit that publication has been made for four successive weeks more than one month previous to this day for the defendants that reside out of the Commonwealth to appear and they having failed to appear and it also appearing to the Court by proper return of the Sheriff of this County that the defendants named in the Compt's bill that reside within this County or Commonwealth have been served with a notice of this suit more than one month previous to this day and they having failed to appear it is therefore ordered by the Court that the bill of the Compt's be taken for confessed. And the Court being sufficiently advised of and concerning ^{and it appearing to the Court that the slaves named in the Compt's bill viz Thomas Miley & Miley's child cannot be sold in this County as they are not entitled to them} the said order adjudged and decreed that the slaves named in the Compt's bill (viz Thomas Miley and Miley's child) be sold to the highest bidder at the Court house of this County, after giving thirty days notice of the sale on a credit of six months the purchaser or purchasers giving bond and approved security. And that Robert M. Glynn be appointed Commissioner of this Court to sell the said slaves and take bond of the purchaser or purchasers payable to him in six months with good security and make reports to this Court until such time this cause is continued by agreement of the parties. The said Negroes is not to be sold during the life of the said Nancy Boucher (the widow of Robert Boucher (decd))

But to remain in the possession of the widow Nancy Roush
during her life.

Eliza Baugh & others

vs Deers

William Baugh & others

This deed was entered
the 16 May 1853

\$635.⁰⁰

Six months after date we or either us promise and bind ourselves, our heirs, administrators, executors, or assigns to pay unto Robert M. Ely, Commissioner for the heirs of Robert Boucher the just and full sum of six hundred and thirty five dollars for value received. Given under our hands and seals this, the 16th day of November 1860.

George W. Ball (seal)

J. M. Wheeler (seal)

I certify that the above is a true copy of the original note on file in an action at law heretofore brought in the County Court of Lee County by Joseph McPherson, admr. of the estate of Robert M. Ely dec'd vs. George W. Ball and James M. Wheeler. Given under my hand this, 23rd, day of May 1871.

John B. West, D. Clk

Lee County Court.

Robt M. Ely, coun. for
Heirs of Robt Boucher, dec'd

From } Copy of Note

Geo. W. Ball & Jm. Wheeler.

(B,)

Exceptions - To Commissioner Morgan's Report

1st. Because he disallows a note of \$700. due from Pally Haskins to Wm S. Martin, found among Ely's papers: and that too ~~entirely~~ upon the evidence of Murphy the agent of Pally Haskins. See report Page 20. Murphy was an incompetent witness as to this.

2

The decree should be set aside because it does not show which statement of "H" is adopted. which is important -

3rd. Because the claimants, make no affidavit of the justice of their claim -

4th. Because, interest is allowed, during the war while the claimants lived beyond the boundary of the Confederate States, a de facto government for four years at war with the United States.

5. The decree gives Pally Haskins \$52. 57. too much by way of interest. and the same ends in her favor on the residue of \$812. would be \$64. 86. which should be deducted - and a like reduction should be made as to all the other party when a decree is rendered

Morgan's 6th Statement is considered by the defendant to be the nearest correct which if taken Ely has over paid her the sum of \$298. 29. It is here ~~by~~ the earnestly contended that in a proceeding of this kind, where the Commissioner has disapproved, the Settlement of Ely's administration account in collateral proceeding like this & where the bill does not ask for it no settlement as between the heirs can be made - See report page 22.

Harkin

as

Boucher

presented and de-
mised M. Beatty by
Promissory Note
year aforesaid
May, one day af-
ter, who was then
still is the w-
man of three he-
alth received, a
Promissory Note in
the said plaintiff
Promissory Note in

and. 384

and. 188; 644

igh. 84 ;

igh. 299

igh. 416

hatt. 10.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee County, Greeting:

We command you to summon *Nancy Beetcher*

to appear before our Justices of our Court of LEE COUNTY, at the Court House, on the *29th*
Monday in *January* next to answer a bill in Chancery exhibited against
her by *Eliza Beetcher and Polly Haskins*

~~And she shall answer the said bill within two months thereafter, the Court will award some
for costs and decree accordingly. And this shall be done with, and not to be paid \$200.~~

And have then there this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the
Court House, this *29th* day of *December* 18*88* in the *78th* year of the Commonwealth.

J. W. S. Morison cl
Attest, J. W. S. Morison cl

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee County, Greeting:

We command you to summon

Money Butcher

to appear before our Justices of our Court of LEE COUNTY, at the Court House, on the *27th*)

Monday in *December* ~~to~~ to answer a bill in Chancery exhibited against
her by *Blisha Butcher & Polly Haskins*

~~and unless~~ ~~shall answer the said bill within two months thereafter, the Court shall decree~~
~~for enforced and decree accordingly: And this~~ ~~shall in no wise bind under the penalty of \$500 &c.~~

And have then there this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the
Court House, this *8th* day of *December* 18*88* in the *78th* year of the Commonwealth.

J. W. S. Morison *cc*

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.36

.60

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.36

.72

1.08-13

1.08-14

1.08-15-

.36-

.40

\$8.20

20

\$8.40

Elisha Butcher

vs J. P. Cheney

Cheney Butcher

Dec. term 1853

not received

Mrs. Martin

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee County, Greeting:

We command you to summon *Nancy Beetcher*

to appear before our Justices of our Court of LEE COUNTY, at the Court House, on the *3rd*
Monday in *January* next to answer a bill in Chancery exhibited against
her by *Elisha Beetcher and Polly Haskins*

~~and on the 8th day of January next shall answer the said bill within two months thereafter, the Court will take the
said Court and answer accordingly. And this shall be a writ of summons under the seal of the Court.~~

And have then there this writ. Witness, JOHN W. S. MORISON, Clerk of our said Court, at the
Court House, this *29th* day of *December* 18*55* in the *78th* year of the Commonwealth.

J. W. S. Morison *cl*

Elisha Butcher

os { Sp in Chaney

Henry Butcher

Long June 1854